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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [NL](#) [NT](#)
SUBJECT: NETHERLANDS AND NETHERLANDS ANTILLES -- 2009 TIP
REPORT: PRESS GUIDANCE AND DEMARCHE

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Governments of the Netherlands and the Netherlands Antilles of their tier rankings and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Governments of the Netherlands and the Netherlands Antilles and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Governments of the Netherlands and the Netherlands Antilles of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the

narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of the Netherlands and the Netherlands Antilles,s country narratives in the 2009 TIP Report:

THE NETHERLANDS(TIER 1)

The Netherlands is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. During 2008, most female victims were exploited in forced prostitution, and the majority of identified sex trafficking victims were from the Netherlands. Within the Netherlands, victims are trafficked by so called &pimp boys8 or &lover boys8*men who seduce vulnerable young women and girls and

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force them into prostitution. During the reporting period, women were also trafficked from Asia, Africa, other parts of Europe, and the Western Hemisphere; the most common countries of origin for foreign female trafficking victims were China, Nigeria, Hungary, and Sierra Leone. Males were trafficked into commercial sexual exploitation as well as forced labor in the catering, cleaning, agriculture and construction sectors. The main countries of origin for male victims were China, India, Nigeria, Sierra Leone, and the Netherlands. According to the Dutch National Rapporteur for Trafficking in Persons, the highest risk sectors for labor trafficking are domestic employment, temporary employment agencies, agriculture and horticulture, restaurants, hotels, and construction. Groups vulnerable to trafficking include single underage asylum seekers, women with dependent residence status obtained through fraudulent marriages, and women recruited in Africa, China, and Thailand for work in massage parlors.

The Government of the Netherlands fully complies with the minimum standards for the elimination of trafficking. The government sustained strong anti-sex trafficking law enforcement efforts, sustained protections provided to female trafficking victims, and improved services available to male trafficking victims. It also expanded prevention activities, including a program targeted at raising trafficking awareness among clients of the sex trade.

Recommendations for the Netherlands: Vigorously investigate and prosecute, and convict and punish labor trafficking offenders; enhance forced labor awareness training for prosecutors and judges; continue anti-trafficking awareness initiatives aimed at educating clients of the commercial sex trade as well as beneficiaries of forced labor about the causes and consequences of trafficking; continue efforts to proactively identify trafficking victims in the prostitution and relevant labor sectors of the Netherlands.

Prosecution

The government demonstrated progress in investigating and prosecuting sex trafficking offenses, though its prosecutions of labor trafficking offenses diminished. Since January 2005, the Netherlands has prohibited all forms of trafficking through Criminal Code Article 273, which prescribes penalties for any form of trafficking of six to 15 years, imprisonment, with fines of up to \$58,000. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes. There were no new labor trafficking prosecutions or convictions during the reporting period, compared with five during the previous reporting

period. The government prosecuted 221 persons for human trafficking offences in 2007, the last year for which comprehensive statistics are available, compared to 216 during the previous year. In 2007, verdicts were handed down in 120 cases, 81 percent of which resulted in convictions, 12 percent resulted in acquittals, and 7 percent were dismissed.

According to the National Rapporteur's office, average prison sentences imposed in 2007 ranged from 20 to 23 months, down from 27 months in 2006. The police included a module on trafficking as part of standard police training curriculum. The Netherlands, Netherlands Antilles, and Aruba signed a memorandum of understanding on increasing cooperation in combating human trafficking.

Protection

The Dutch government made increased efforts to protect trafficking victims during the reporting period. Dutch authorities provided a temporary residence mechanism to allow foreign trafficking victims and witnesses to stay in the Netherlands during a reflection period of three months and, separately, during the investigation and prosecution of their traffickers. During these periods, the government provided victims with legal, financial, and psychological assistance, including shelter (in facilities that also serve victims of domestic violence), medical care, social security benefits, and education financing. Child victims had access to a full range of specialized services. The government opened four new shelters specifically equipped to assist male victims of human trafficking during the reporting period. The government provided permanent residence status to some victims, based on particular conditions. The government encouraged victims to press charges against traffickers and to assist in prosecutions. Nevertheless, victims were often reluctant to assist law enforcement personnel, due to fear of reprisals from traffickers. In 2008, the national victim registration center identified and registered 826 trafficking victims, including 46 males, compared with 716 identified victims in 2007. The Justice Ministry took measures to prevent victims from being punished for unlawful acts committed as a direct result of being trafficked, including through training of prison staff on proactive victim identification. Police and prosecutors provided specialized training to help judges, labor inspectors, and immigration officers identify and assist trafficking victims during the reporting period. Local governments were responsible for

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regulating legalized prostitution sectors and for conducting anti-trafficking inspections of brothels in these sectors. The Hague's vice squad checked sex establishments at least six times during the reporting period; the Amsterdam vice squad inspected brothels at least four times. The inspections included observation for any signals of trafficking, informal interviews with persons in prostitution, and the review of residence and work permits.

Prevention

The government demonstrated some progress in preventing trafficking during the year. In February 2009, the government introduced an information card entitled "exploitation at the workplace" that was made available to all municipalities and social welfare agencies during the reporting period. The card provides examples of labor exploitation, information on where to seek help, and details on victims' rights in several languages. The Justice Ministry funded the "Meld M" multimedia campaign, targeted at clients of the sex trade and persons in prostitution, as well as residents, shopkeepers and taxi-drivers in areas where prostitution occurs. The campaign encouraged people to report suspicions of trafficking to an anonymous hotline. In December 2008, the Interior and Justice Ministers released a draft act containing new regulations for legalized prostitution; the regulations reportedly would boost efforts to counter sex trafficking. The Ministry of Foreign Affairs funded \$2.5 million for anti-trafficking programs in trafficking source countries in Europe, the Caribbean, Asia,

and Africa. The National Rapporteur for Trafficking in Persons in July 2008 published its sixth report, which is available on the Justice Ministry's website. Since January 2008, the government provided single underage asylum seekers with intensive counseling in secured shelters to protect them against traffickers. The Foreign Ministry website includes travel information warning Dutch travelers that sex with children is prosecutable in the country of destination as well as in the Netherlands. The government funds several initiatives to prevent child sex tourism including a project to assist tour operators in Cambodia, Thailand, and Philippines to adopt and implement a code of conduct aimed at preventing child sex tourism. The Justice Ministry estimates several dozen convictions annually in the Netherlands of Dutch residents found guilty of child sex tourism offenses abroad. The Dutch military provided training to all military personnel on the prevention of trafficking and additional training on recognizing trafficking victims for Dutch troops being deployed abroad for duty as international peacekeepers.

The Netherlands Antilles (Tier 2 Watch List)*

* *Footnote: The Netherlands Antilles is a semi-autonomous entity within the Kingdom of the Netherlands. The Kingdom Charter divides responsibility among the three co-equal parts of the Kingdom based on jurisdiction and matter. For the purpose of this report, the Netherlands Antilles is not a country to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how the Antilles would be assessed if it were a separate, independent country.

The five islands of the current Netherlands Antilles are a transit and destination point for men and women from Colombia, Venezuela, Suriname, Cuba, the Dominican Republic and other parts of South America and the Caribbean, trafficked for the purposes of commercial sexual exploitation and forced labor. The women in prostitution in the Netherlands Antilles, regulated and illegal sex trades are highly vulnerable to human trafficking. Credible reports have alleged the trafficking of over 100 Cuban construction workers employed by the Curacao Dry Dock Company in 2006* a case that garnered significant international press during the reporting period as a result of a related civil case in a U.S. court. Local authorities believe that men and women have also been trafficked into local domestic servitude as well as into the agriculture and construction industries. Groups vulnerable to labor trafficking include Haitian males in the agriculture and gardening sectors and Latin American and Caribbean males in construction. There is anecdotal evidence that some Middle Eastern and Asian migrants in restaurants and local businesses may be vulnerable to debt bondage.

The Government of the Netherlands Antilles does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government is placed on Tier 2 Watch List. The government has not enacted anti-trafficking legislation, although during the reporting period legislation was introduced, processed and awaits final action. The government also did not develop and fund victim assistance policies and programs or raise awareness among clients of the sex trade and beneficiaries of forced labor about the causes and consequences of human trafficking. As

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noted above in the Netherlands narrative, in January 2009 the justice ministers of the Netherlands Antilles, the Netherlands, and Aruba signed a memorandum of understanding to promote increased anti-trafficking cooperation. Recommendations for the Netherlands Antilles: Enact legislation criminalizing all forms of human trafficking; vigorously prosecute and convict sex and labor trafficking offenders throughout the Netherlands Antilles; establish formal procedures to guide officials in the proactive identification of trafficking victims and referral of these victims to service providers; consider ways to educate

clients of the sex trade and beneficiaries of forced labor about the causes and consequences of trafficking.

Prosecution

The Netherlands Antilles, anti-trafficking law enforcement efforts were greatly hindered by the absence of specific anti-trafficking legislation. A draft amendment to the Netherlands Antilles penal code prohibiting trafficking for sexual exploitation and forced labor remained pending in the Antillean Parliament during the reporting period. There were two likely cases of human trafficking that officials in St. Maarten prosecuted using statutes prohibiting other non-trafficking offenses. In May 2008, a man who had held three women in a brothel against their will was convicted and sentenced to 36 months in prison for human smuggling and ill-treatment. Another man was detained briefly on allegations of keeping a household servant locked in his house. A court required the man to pay the domestic servant's outstanding wages and the costs associated with the servant's repatriation. Antillean authorities cooperated with Suriname's request that the Dutch extradite several traffickers who fled to Curacao during a trafficking-related law enforcement action. Funding for and staffing of police and judicial offices remained a chronic problem in the Netherlands Antilles. Local media reported on corruption related to the issuance of immigration and work permits, though these did not involve specific trafficking allegations. The government provided training to individual prosecutors and members of the islands, police departments and has systematic anti-trafficking training in place for law enforcement authorities.

Protection

The government's victim protection efforts were mostly ad hoc during the reporting period. Trafficking victims received limited assistance through a combination of government agencies and NGOs that receive some government subsidies in the Netherlands Antilles, including the Bureau for Aid to Victims in Curacao and the Women's Desk in St. Maarten. There were no specific trafficking victim health care facilities in the Netherlands Antilles, but government health care providers were available to assist trafficking victims. The legal system allows witnesses to trafficking crimes to provide anonymous testimony or testimony from abroad. Island governors had the authority to issue temporary residency status for trafficking victims; it is unknown if any were issued. The government does provide long-term shelter for trafficking victims. In practice, consulates representing source countries often handled assistance to and repatriation of their citizens. The government does not employ formal procedures to guide officials in proactive victim identification among vulnerable groups, such as women in government-regulated prostitution zones, and to guide officials in referring victims to available service providers. Curacao has one legal, government regulated brothel compound with approximately 90 foreign women in prostitution. International organizations have expressed strong concern about the working conditions -- including possible involuntary servitude at this brothel. The government did not train health officials charged with regulating the Curacao brothel on identifying trafficking indicators and referring suspected victims for assistance. The justice ministry reiterated a directive in 2008 prohibiting immigration officials from holding the passports of foreign women entering the islands for the purpose of legal prostitution. One official in Curacao reported that some officials practiced proactive identification measures within detention facilities. There were no reported cases of victims being penalized during the reporting period for crimes that were a direct result of being trafficked. The government espoused a policy of encouraging trafficking victims to participate in investigations and prosecutions of trafficking offenders, but officials acknowledged that many victims were reluctant to participate.

Prevention

The government made some efforts to raise awareness of human trafficking during the reporting period but did not undertake any measures to reduce the demand for commercial sex acts.

Formal interagency anti-trafficking working groups operated in Bonaire, Curacao, Saba, St. Eustatius, and St. Maarten during the reporting period. The anti-trafficking

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coordinator based in Curacao spoke out about the problem of human trafficking in the region and continued to promote an IOM-developed public awareness campaign. The anti-trafficking coordinator in Curacao also arranged for a short awareness raising documentary video to be aired on local television stations. Netherlands Antilles officials issued a contract for an outside evaluation of their anti-trafficking strategy in 2008. The government provided in-kind support for two human trafficking hotlines in the Netherlands Antilles. There were no awareness campaigns specifically targeting potential clients of the sex trade or beneficiaries of forced labor in the Netherlands Antilles.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant

efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance

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and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau, EX

office.

¶11. The following is press guidance provided for Posts to use with local media.

Q1: Why was the Netherlands given a ranking of Tier 1?

A: The Government of the Netherlands fully complies with the minimum standards for the elimination of trafficking.

Q2: What progress has the Netherlands made in the past year?

A: The government sustained strong anti-sex trafficking law enforcement efforts, sustained protections provided to female trafficking victims, and improved services available to male trafficking victims. It also expanded prevention activities, including a program targeted at raising trafficking awareness among clients of the sex trade.

Q3: What can the Netherlands do to improve its fight against trafficking in persons?

A: To improve its anti-trafficking performance, the Dutch government could: vigorously investigate and prosecute, and convict and punish labor trafficking offenders; enhance forced labor awareness training for prosecutors and judges; continue anti-trafficking awareness initiatives aimed at educating clients of the commercial sex trade as well as beneficiaries of forced labor about the causes and consequences of trafficking; continue efforts to proactively identify trafficking victims in the prostitution and relevant labor sectors of the Netherlands.

Netherlands Antilles (Tier 2 WL)

Last Year Not Ranked

Q1: What is Netherlands Antilles status in the TIP Report?

A: The Netherlands Antilles is a semi-autonomous entity within the Kingdom of the Netherlands. The Kingdom Charter divides responsibility among the three co-equal parts of the Kingdom based on jurisdiction and matter. For the purpose of this report, the Netherlands Antilles is not by definition a

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&country8 to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. The Report narrative reflects how the Antilles would be assessed if it were a separate, independent country.

Q2: Why is the Netherlands Antilles assessed at Tier 2 Watch List?

A: The Government of the Netherlands Antilles does not fully comply with the minimum standards for the elimination of trafficking; however it is making significant efforts to do so. The government has not enacted anti-trafficking legislation, although during the reporting period legislation was introduced, processed and awaits final action. The government also did not develop and fund victim assistance policies and programs or raise awareness among clients of the sex trade and beneficiaries of forced labor about the causes and consequences of human trafficking.

Q3: What progress did the Netherlands Antilles make in the last year?

A: The government made some efforts to raise awareness of human trafficking during the reporting period. Formal interagency anti-trafficking working groups operated in Bonaire, Curacao, Saba, St. Eustatius, and St. Maarten during the reporting period. The anti-trafficking coordinator based in Curacao spoke out about the problem of human trafficking in the region and continued to promote an IOM-developed public awareness campaign. The anti-trafficking coordinator in Curacao also arranged for a short awareness raising documentary video to be aired on local television stations.

Q4: What can the Netherlands Antilles do to further the fight

against trafficking in persons?

A: To improve its anti-trafficking performance, the government should: enact legislation criminalizing all forms of human trafficking; vigorously prosecute and convict sex and labor trafficking offenders throughout the Netherlands Antilles; establish formal procedures to guide officials in the proactive identification of trafficking victims and referral of these victims to service providers; consider ways to educate clients of the sex trade and beneficiaries of forced labor about the causes and consequences of trafficking.

Q5: What sources does the State Department use for information?

A: The Department of State prepared this Report using information from U.S. embassies, foreign government officials, NGOs and international organizations, published reports, research trips to every region, and information submitted to tipreport@state.gov.

[¶12](#). The Department appreciates posts, assistance with the preceding action requests.
CLINTON